

No. 11(112)-3 Lab-79/16189.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Indian Aluminium Cables Ltd., Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 175 of 1976

between

SHRI VIJAY KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. INDIAN ALUMINIUM CABLES LIMITED WORKS, MATHURA ROAD, FARIDABAD

Present:

Shri M. S. S. Cowshish, for the workman.

Shri C. M. Lal/K. P. Agrawal, for the management.

AWARD

1. By order No. ID/FD/584-A-76/29295, dated 10th August, 1976 the Governor of Haryana referred the following dispute between the management of M/s. Indian Aluminium Cables Limited Works, Mathura Road, Faridabad and its workman Shri Vijay Kumar, to this Tribunal for adjudication, in exercise of the powers conferred by clause (c) of sub-section 1 of section 10 of the Industrial Disputes Act.

Whether the termination of services of Shri Vijay Kumar was justified and in order?

If not, to what relief is he entitled?

2. On receipt of the orders of reference, notices were issued to the parties. The management had appeared and the workman had not appeared despite service, so *ex-parte* proceedings were ordered against the workman and the case was fixed for *ex-parte* evidence of the management and *ex-parte* award was given in favour of the management dated 23rd December, 1976. Thereafter the workman applied for setting aside *ex-parte* award and for restoration of the case which was set aside,—*vide* my order dated 29th June, 1977 and the case was fixed on merits. The following issues were framed on 1st December, 1977:—

1. Whether the name of the workman concerned has been struck off the rolls by the management legally?

2. Whether the termination of services of Shri Vijay Kumar was justified and in order? If not, to what relief is he entitled?

And the case was fixed for the evidence of the management. The management examined Shri D. N. Ahuja, their Incharge Maintenance and Development as MW-2 on 1st March, 1978. His examination could not be concluded on account of some objections by the representative for the workman that the management was making out a new case. Which objections were decided,—*vide* my order dated 21st September, 1978. Then the said Shri D. N. Ahuja was again examined on 22nd August, 1979. The management also examined Shri Sudershan Kumar, Assistant Personnel Officer as MW-2/3 and closed their case, after tendering in evidence Exhibit M-6 to Exhibit M-29. Then the case was fixed for the evidence of the workman. It was at this stage that a settlement was arrived at. According to the settlement, the workman received a sum of Rs. 18,000 from the management by a bank draft and settled his dispute, which payment was in full and final settlement of all his dues including all claims regarding wages, leave, bonus, Gratuity etc. and the actions which the workman had or may have in future against the management. It was specifically agreed that the workman shall not be entitled to reinstatement or re-employment. I, therefore, give my award in terms of the settlement that the dispute has been settled and the workman has received a sum of Rs. 18,000 only in full and final settlement of all his claims, dues and rights. The workman shall not be entitled to reinstatement or re-employment.

The 30th November, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1153, dated the 6th December, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.